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Docket No. 49165(71994)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: J. Wengel et al.

SERIAL NO.: 09/152,059

EXAMINER: J. Riley

FILED: September 11, 1998

GROUP NO.: 1637

FOR: OLIGONUCLEOTIDE ANALOGUES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

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**CERTIFICATE OF MAILING**

I, Patricia A. Barnes, hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office, as First Class Mail, postage prepaid, on **December 30, 2002**, in an envelope addressed to the: Assistant Commissioner for Patents, Washington, DC 20231.

*Patricia A. Barnes*

Patricia A. Barnes

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**RESPONSE**

In response to the non-final office action dated June 28, 2002, Applicants request reconsideration of the above-captioned application in view of the following remarks. A Petition for Extension of Time (three months) and requisite fee is attached herewith.

As an initial matter, Applicants wish to notify the Examiner that they are submitting a Supplemental IDS citing an abstract by Imanishi, T et al. entitled *Synthesis and Property of Novel Conformationally Constrained Nucleoside and Oligonucleotide Analogs*, 16<sup>th</sup> International Congress of Heterocyclic Chemistry, August 10-15, 1997. Consideration of the abstract is respectfully requested.

Claims 141-186 and 197-208 stand rejected under 35 USC §112, first

paragraph, as not being enabled for any LNA moiety falling within the cited claims. Applicants respectfully disagree.

It is believed that the specification fully satisfies the "how to make" and "how to use" requirements of §112, first paragraph.

As the present specification makes clear, the invention features a wide range of highly useful LNA compounds. For example, see pg. 16, line 10 to pg. 28, line 29. Provided therein are specific bi-cyclic structures as well as associated structures such as those with tri- or polycyclic formats. Also provided are various LNA stereoisomers including particular diastereomers and embodiments in which the group B is in an alpha configuration. At pg. 29, for instance.

Applicants disclosure is amply supported by 161 working examples in which many teach in detail how to make LNA compounds. See also the supporting Figures. One of skill having knowledge of Applicants' enabling disclosure, particularly in view of prior attempts to make certain conformationally restricted nucleosides (see pgs. 5-8, for example) would appreciate that the instant specification fully supports the scope of pending claims including embodiments in which the biradical LNA structure includes 4 carbon, oxygen or silicon atoms.

In view thereof, reconsideration and withdrawal of the rejection are requested.

It is noted that the final due date for submitting this response was December 28, 2002. The present response is timely because the due date fell

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Response

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on a Saturday and the response is being mailed on the next business day thereafter ie., Monday December 30, 2002.

The USPTO is hereby authorized to charge deposit account no. 04-1105 for any further fees necessary to consider this submission.

Respectfully submitted,

Date: 30 DEC 02



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